

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re: MICHAEL ALVAREZ
5419 Nutmeg Ct.
Richmond, VA 23225
xxx-xx-6726
Debtor.**

**Case No. 18-32795-KRH
Chapter 13**

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

COMES NOW the Commonwealth of Virginia, Department of Social Services, Division of Child Support Enforcement (the “Division”), by counsel, and hereby objects to the confirmation of the chapter 13 plan filed on May 29, 2018 by the debtor in the above-captioned case (the “Debtor”), and in support thereof respectfully states as follows:

1. On May 29, 2018 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code.
2. On May 29, 2018, the Debtor filed his proposed chapter 13 plan.
3. On June 20, 2018, the Division timely filed a proof of claim for priority domestic support obligation arrearages in the amount of \$14,694.89, designated as claim number 3 in the official claims register (the “DSO Claim”).

A. The Debtor’s Plan Fails to Provide for Full Payment of Priority Obligations

4. Section 2.B. of the Debtor’s Plan includes child support obligations payable to “DCSE – Bankruptcy Division” in the estimated claim amount of \$11,000.00. The DSO Claim is over \$3,600.00 more than the estimated amount included in the Debtor’s Plan.

5. The total funding of the Debtor’s plan is \$20, 850.00 and proposes a 10% dividend to unsecured creditors. Taking into consideration the other obligations to be paid by the Trustee

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pursuant to the Debtors' Plan, including attorneys' fees, Trustee's fees, and secured claims, it is unclear whether the Plan provides sufficient funding to pay the DSO Claim in full.

6. In order to have a chapter 13 plan confirmed, it must provide for the full payment of all claims entitled to priority under 11 U.S.C. § 507, including domestic support obligations, unless the holder of the claim agrees otherwise. The Division does not consent to a different treatment.

WHEREFORE, for the reasons stated herein, the Commonwealth of Virginia, Department of Social Services, Division of Child Support Enforcement, respectfully requests that the Court deny confirmation of the Debtor's chapter 13 plan and grant the Division such other and further as it deems just and proper.

Dated: July 25, 2018

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF SOCIAL SERVICES,
DIVISION OF CHILD SUPPORT ENFORCEMENT

/s/ Elizabeth L. Gunn
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Certificate of Service

I hereby certify that on the 25th day of July, 2018, I electronically filed the foregoing Objection to Confirmation of Chapter 13 Plan with the Clerk of Court using the CM/ECF system, which provides electronic notice of such filing to all parties that receive notice in this matter including the following:

Ellen P. Ray, Esq.
Counsel for the Debtor

Carl M. Bates, Esq.
Chapter 13 Trustee

and mailed a copy of the foregoing by first class mail, postage prepaid, to the following non-CM/ECF participant:

Michael Alvarez
5419 Nutmeg Ct
Richmond, VA 23225

/s/ Elizabeth L. Gunn
Assistant Attorney General